

**TITLE 1: GOVERNMENT AND ADMINISTRATION**  
**DIVISION 4. PURCHASING, REVENUE AND TAXATION**

**Chapter 1: Purchasing.**

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**14.0101 Duties of Purchasing Agent--General.**

The Purchasing Agent shall perform the duties and have the powers and responsibilities prescribed by the general laws of the State of California relating to County Purchasing Agents, this chapter and ordinances or resolutions of the Board of Supervisors.

Adopted Ordinance #934 (1960);

**14.0102 Duties of Purchasing Agent--On Behalf of County and Districts.**

(a) **PURCHASE MATERIAL.** Purchase for the County, its offices and Board-governed special districts, all materials, supplies, furnishings, equipment, livestock, and other personal property of whatever nature. No purchase of personal property of any kind or nature for use of the County, any departments or districts thereof, shall be valid, bind the County, or constitute a lawful charge against any fund of the County unless made by the Purchasing Agent as herein provided; except as otherwise provided by law, the County Charter, the provisions of this Chapter or action of the Board of Supervisors.

(b) **RENT FURNISHINGS AND EQUIPMENT.** Rent for the County and its offices and districts, all furnishings, equipment, and livestock, with the exception of road equipment and machinery which the Road Commissioner of the County is authorized by law to rent for County use.

(c) **NEGOTIATE CONTRACTS.** Negotiate and execute, as agent for the County, agreements relating to personal property.

(d) **ENTER INTO SERVICE CONTRACTS.** Engage outside service providers to perform services for the County and Board-governed special districts and the offices thereof, with or without the furnishing of material, where the aggregate cost does not exceed twenty-five thousand dollars (\$25,000) per scope of services per contractor per agency, department or Board-governed special district per fiscal year and ensuring the competitive process is followed as defined in section 14.0115. For purposes of this Chapter, "scope of services" means all the work and materials necessary to complete a contract, job or project. Also for purposes of this Chapter, with respect to any Board-governed special district managed by and reporting to the County Special Districts Department (or its successor department or agency), the \$25,000 limit applies to the cumulative total of all the special districts, not to each individual special district.

(e) **ENTER INTO CONSTRUCTION CONTRACTS.** Employ, by negotiated contract or purchase order, state-licensed independent contractors for public projects, as defined by the California Uniform Public Construction Cost Accounting Act (Section 22000 et seq. of the Public Contract Code), of twenty-five thousand dollars (\$25,000) or less.

(f) **ALLOW PARTICIPATION OF OTHER POLITICAL SUBDIVISIONS IN EXISTING PURCHASE CONTRACTS.** Allow participation, at their option, by other independent political subdivisions in continuing purchase contracts of the County, provided that:

(1) Said political subdivision requests the privilege of participation, and the provisions of the purchase contract so permit.

(2) Said political subdivision does not have and will not have in force, any other contract for like purchases.

(3) Said political subdivision does not have under consideration for award any other bids or quotations for like purchases.

(4) Said political subdivision shall make purchases in its own name, make payments directly to the vendor, and be liable directly to the vendor, holding the County harmless therefrom.

(5) The Purchasing Agent may terminate such participation for violation of the terms of participation or if required to do so pursuant to the contract with the vendor.

(g) **COMMUNITY BASED ORGANIZATION PARTICIPATION.** Allow participation, upon agreement of the County and a vendor, by community based organizations (the tax-exempt nonprofit corporations and foundations which perform a County purpose by providing services to County residents) in existing purchase contracts of the County, provided that:

(1) The community based organization is on a list approved by the Board of Supervisors pursuant to County policy.

(2) The community based organization requests the privilege of participation and the provisions of the purchase contract permit the participation.

(3) The community based organization does not have and will not have in force, any other contract for like purchases with the same or different vendors.

(4) The community based organization does not have under consideration any other bids, proposals or requests for like purchases with the same or different vendors.

(5) The community based organization must make purchases in its own name, make payments directly to the vendor and be directly liable to the vendor, holding the County harmless from any liability.

(6) The community based organization shall use the property to provide and enhance the services provided to County residents.

(7) The Purchasing Agent may terminate the participation of any community based organization for violation of the terms of participation or if required to do so pursuant to contract with a vendor.

(h) **SELL OR DISPOSE OF PERSONAL PROPERTY.** Sell or dispose of in accordance with Government Code Sections 25503-25507, and subject to rules and regulations adopted by the Board of Supervisors, any personal property belonging to the County and found not to be required for public use. When purchasing personal property, for which it is not necessary to advertise for bids, the Purchasing Agent may solicit and accept advantageous trade-in allowance for County personal property no longer required for public use, without advertising for offers on such property. When specifically authorized, the Purchasing Agent shall similarly dispose of personal property of any special district and pay the proceeds into the treasury of the district or return the proceeds from exchange or trade to said special district.

(i) **PERFORM OTHER SERVICES.** Perform such other services as the Board of Supervisors may from time to time require.

Adopted Ordinance #934 (1960); Amended Ordinance #3461 (1991); Amended Ordinance #3546 (1993); Amended Ordinance 3769 (1999); Amended Ordinance #3772 (2000); Amended Ordinance 3856 (2002);

#### **14.0103 General Functions of Purchasing Agent.**

The Purchasing Agent, on behalf of the County and on behalf of the districts of the County, governed by the Board of Supervisors, shall:

(a) Supervise and administer the work of such assistants as may be employed in such Purchasing Department for the performance of the assigned duties.

(b) Furnish to the Board of Supervisors an annual report (based upon the preceding fiscal year) no later than January 30 of each year. This report shall include, at minimum, the following:

(1) A list of non-competitive procurements under \$25,000 by department and amount, and the department's reason for the non-competitive nature of the acquisition.

(2) A list of all blanket purchase orders, fixed price contracts and lease purchase agreements by department and vendor, including a total of prior year expenditures. This list would include details as to whether the contracts were competitively procured, when the last procurement took place and the schedule for future procurements. If the items were not competitively procured, the Report will also state the reason for the non-competitive procurement.

(3) A list of all vendors receiving more than \$75,000 in payments and the departments utilizing these vendors.

(4) An analysis of the percentage of dollars expended with local vendors and non-local vendors.

(c) Establish methods and procedures as may be necessary for the proper functioning and practical conduct of the Purchasing Department.

(d) Perform such other acts as may be deemed necessary by the Board of Supervisors.

Adopted Ordinance #934 (1960);

#### **14.0104 Administration of Funds.**

The Board of Supervisors shall, on an annual basis, as part of the budget process, set the level and make the fund allocations necessary for the Purchasing Agent to make quantity purchases and maintain an inventory of supplies, materials and equipment for issue to the several offices, departments, districts of the County, cities and other political subdivisions, as needed.

As such supplies, materials, equipment, and services are issued, the fund from which purchases were made shall be periodically reimbursed from the proper budget appropriations of the entity receiving such issue.

Adopted Ordinance #934 (1960); Amended Ordinance 2425 (1980);

#### **14.0105 Purchasing Procedure.**

The Board of Supervisors hereby grants authority to heads of offices, departments, and districts to draw requisitions on the Purchasing Agent. This authority may be delegated to any of their deputies, officers, or employees by filing written authorization with the Purchasing Agent; and the Purchasing Agent shall supply the requisition form to the heads of the various entities, prescribing the number of copies required to be submitted. Except as provided in Section 14.0104 of this Chapter, or as otherwise provided by general law or ordinance of this County, the Purchasing Agent shall make purchases, rentals, and contracts only upon proper written requisition. Unless purchases are approved by either the Purchasing Agent or the Board of Supervisors, or as otherwise provided by law, the costs thereof shall not constitute a legal charge against the County but shall constitute a charge against the person making such purchase.

No purchase order shall be issued until the Auditor/Controller-Recorder shall have certified that sufficient monies are available in the proper budget appropriation to pay for such purchases, rentals, or contracts, and the Purchasing Agent shall immediately notify the requisitioning entity of the insufficiency of funds. If the costs of any purchase order cannot be readily ascertained, the Purchasing Agent may estimate such cost, and the Auditor/Controller-Recorder may make the aforesaid certification based upon such estimated cost.

Adopted Ordinance #934 (1960);

#### **14.0106 Emergency Purchases.**

Emergency purchases may be made by any person or official herein authorized to sign requisitions when: (a) Such item or items are immediately necessary for the preservation of life or property, or (b) The Purchasing Agent or any assistant authorized to make purchases is not immediately available, and the item or items are immediately necessary for continued operation of the entity, and undue delay would cause substantial loss to the County.

Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent. If the Purchasing Agent refuses such confirmation, the Board of Supervisors may subsequently approve and confirm such purchase by a two-thirds (2/3) vote of the members present at any of its regular meetings. Unless such purchases are so approved and confirmed by either the Purchasing Agent or the Board of Supervisors, the costs thereof shall not constitute a legal charge against the County but shall constitute a charge against the person making such purchase.

Adopted Ordinance #934 (1960);

#### **14.0107 Void Purchases.**

If any County entity purchases or contracts for any supplies, materials, equipment, or contractual services contrary to the provisions of this Chapter, such purchase or contract shall be void, and of no effect, and shall not constitute a lawful charge against any County fund, but shall constitute a charge against the person making such purchases.

Adopted Ordinance #934 (1960);

#### **14.0108 When Competitive Bidding Not Required.**

Except as otherwise required by general law, charter, or this Chapter, the Purchasing Agent shall have the power, without public notice, preparation of specifications, or the securing of competitive bids or price quotations, to make any purchase of supplies, materials, equipment, or other personal property, or to contract or engage independent contractors to perform sundry services for the County.

In the performance of the functions hereunder, the Purchasing Agent shall comply with all applicable statutes, ordinances, and policies. In making purchases, the Purchasing Agent shall use such methods and procedures as, in the Agent's judgment, will secure the lowest price consistent with the quality desirable for the use intended and the needs of the County.

Adopted Ordinance #934 (1960);

#### **14.0109 Non-competitive Purchases.**

The competitive process is the preferred method of conducting County purchases. The Purchasing Agent has the authority to approve all non-competitive purchases of goods, supplies and equipment up to \$25,000 upon receipt of a written justification from the appropriate department head. Non-competitive procurement of services from outside service providers may be approved by the Purchasing Agent where the aggregate cost does not exceed twenty-five thousand dollars (\$25,000) per scope of services (as defined in Section 14.0102) per vendor, per agency, department or Board-governed special district (as defined in Section 14.0102) per fiscal year upon receipt of a written justification from the appropriate department head. Any non-competitive purchase over \$25,000, or in the case of services, where the aggregate cost exceeds twenty-five thousand dollars (\$25,000) per scope of services per vendor per agency, department or Board-governed special district per fiscal year, must be submitted to the Board of Supervisors for approval. The Purchasing Agent will produce an annual report (based upon the preceding fiscal year) of all non-competitive purchases processed through Purchasing by January 30 of each year.

Adopted Ordinance #934 (1960); Amended Ordinance 3856 (2002);

#### **14.0110 Property Surplus and Salvage Pool.**

(a) Whenever any items of personal property are no longer needed by an office, department, or Board-governed special district, the entity carrying inventory thereof, may report and transfer by Property Transfer Form, subject to rules and regulations adopted by the Board of Supervisors, such property to a surplus or salvage pool to be maintained and supervised by the Purchasing Agent, who will be custodian and charged with maintaining an inventory thereof.

Whenever any office, department, or Board-governed special district has need of any property placed in the surplus and salvage pool, such entity may acquire said property by Property Transfer Form, subject to rules and regulations adopted by the Board of Supervisors or may acquire such property pursuant to contract.

(b) A community based organization (a tax-exempt nonprofit corporation or foundation which performs a County purpose by providing services to County residents) on a list approved by the Board of Supervisors pursuant to County policy may acquire property (other than vehicles) placed in the surplus and salvage pool after such property has been made available for a reasonable period of time to County departments, groups or Board-governed special districts, subject to rules and regulations adopted by the Board of Supervisors. This Subsection shall be automatically repealed on September 30, 2000.

Adopted Ordinance #934 (1960); Amended Ordinance #2170 (1977);

#### **14.0111 Advertising Proposed Sale of Surplus Property.**

In the disposition of any surplus or salvage property found, in accordance with rules and regulations adopted by the Board of Supervisors, not to be required for public use, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in such newspapers, magazines, and other periodicals as in the Purchasing Agent's judgment will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. The Purchasing Agent shall decide the amount, nature, makeup, and content of the advertising.

Notices of sales of surplus or salvage personal property shall be posted for not less than five (5) business days preceding the day of the sale in the Office of the Purchasing Agent, and in such other public places within the County as the Purchasing Agent may deem advisable.

In the event that any item of County personal property is found to have no resale value, the Purchasing Agent may direct that such item be destroyed or disposed of in any manner the Agent may see fit.

Adopted Ordinance #934 (1960);

#### **14.0112 Standards Committee.**

The Purchasing Agent may organize a "Standards Committee" as needed to establish standards, with respect to the type, design, quality, or brand of a certain article or group of related articles or services purchased by the County.

Adopted Ordinance #934 (1960);

#### **14.0113 Provision for the Adoption of Rules and Regulations.**

The Purchasing Agent may, from time to time, adopt procedural and such other rules and policies consistent with law, ordinances and policies to assist in the proper and efficient performance of the duties under this Chapter. Such rules and policies, if adopted, shall be reduced to writing and followed by the Purchasing Agent wherever applicable. A copy of any such rule or policy shall be kept open to public inspection in the Office of the Purchasing Agent.

Adopted Ordinance #934 (1960); Amended Ordinance 3546 (1993); Amended Ordinance #3769 (1999);

**14.0114 Informal Bidding Procedures Pursuant to the California Uniform Public Construction Cost Accounting Act.**

(a) **INFORMAL BID PROCEDURE.** Public projects, as defined by the California Uniform Public Construction Cost Accounting Act, in excess of twenty-five thousand dollars (\$25,000) but less than or equal to seventy-five thousand dollars (\$75,000) may be let to contract by informal procedures as set forth in Section 22030 et seq. of the Public Contract Code and shall be subject to those provisions and the provisions of this Section.

(b) **CONTRACTORS LIST.** A list of contractors identified according to categories of work, shall be developed and maintained by Assistant County Administrator for the Economic Development/Public Services Group in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.

(c) **NOTICE INVITING INFORMAL BIDS.** Where a public project subject to the provisions of this Section is to be performed, a notice inviting informal bids shall be mailed by the Assistant County Administrator for the Economic Development/Public Services Group to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission pursuant to Section 22036 of the Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department/agency soliciting bids; provided, however:

(1) If there is no list of qualified contractors maintained by the Assistant County Administrator for the Economic Development/Public Services Group for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journals specified by the Commission.

(2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

All mailing of notices to contractors and construction trade journals shall be completed not less than ten (10) calendar days before bids are due; provided however, that reasonable efforts will be made to give contractors sufficient time to respond to the notices calling for informal bids. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place of the submission of bids.

(d) **AWARD OF CONTRACTS.** The Board of Supervisors will award contracts pursuant to this Section.

(e) **BIDS IN EXCESS OF \$75,000.** If the bids received are in excess of seventy-five thousand dollars (\$75,000), the Board may, by passage of a resolution by a four-fifths (4/5) vote, award the contract at eighty thousand dollars (\$80,000), or less, to the lowest responsible bidder, if it determines the cost estimate of the County was reasonable.

(f) **FAILURE TO RECEIVE BIDS.** If no bids are received, the project may be performed by the employees of the County by force account, or negotiated contract without further complying with the Uniform Public Construction Cost Accounting Act procedures.

Adopted Ordinance #934 (1960);

**14.0115 Contracts for Services.**

(a) Pursuant to Subsection 14.0102(d), contracts for services, which may be entered into by the Purchasing Agent, with or without the furnishing of material, may not exceed an aggregate amount of twenty-five thousand dollars (\$25,000) per vendor, per agency, department or Board-governed special district per fiscal year. Any agency, department or Board-governed special district contract in excess of that amount must be approved by the Board of Supervisors. The Purchasing Agent is responsible for ensuring the competitive process is utilized for any service contract of \$25,000 or less which is not subject to approval by the Board of Supervisors.

(b) Departments contracting for services ranging from in excess of \$25,000 to \$75,000 are required to develop a written scope of work and conduct a solicitation process contacting as many vendors as practical using sources as may be recommended by the Purchasing Agent.

(c) Departments contracting for services over \$75,000 are required to conduct a formal Request for Proposal (RFP) process. Approval from the Board of Supervisors is required prior to issuing the RFP.

(d) In the calculation of the above-identified limits, no officer or employee shall split or separate any contract, work, project or services into smaller contracts, work, projects or services for the purpose of evading the limitations of this Section.

(e) All requests for professional services must receive approval from the appropriate department head. Any person who violates this Section will be subject to discipline, up to and including termination.

(f) Where the aggregate amount of contracts for services exceed seventy-five thousand dollars (\$75,000) per vendor for the County overall per fiscal year, a report will be generated by the Auditor/Controller-Recorder and provided to the Board of Supervisors and the County Administrative Office ('CAO'). The CAO will review the report and may include recommendations to the Board of Supervisors regarding department coordination with respect to vendor services.

Adopted Ordinance #934 (1960); Amended Ordinance #964 (1961); Amended Ordinance #1875 (1973);  
Amended Ordinance #2274 (1978); Amended Ordinance 2402 (1979);

**14.0116 Prohibited Advertising by Elected Officials.**

(a) The purpose of this section is to extend prohibitions similar to those that apply to mass mailings to paid advertising by elected officials of the County. Advertising for purposes of this section is defined to include any paid notice, announcement, broadcast or other paid information placed with newspapers, magazines, radio or television media or other commercial media but shall not include legal notices as required by law or court order.

(b) Elected officials of the County are prohibited from using public funds for advertising which includes an elected official's photograph unless such use of a photograph is required by law and are prohibited from using public funds for advertising which includes an elected official's name except as provided in this section. The name of an elected official may be included in advertising related to the governmental programs and activities that are the responsibility of the elected official and shall be limited to the duties and responsibilities of the official. Whenever the name of an elected official is included, the official's name shall appear only once and the name shall be in the same type font and size as the general text of the advertisement and shall not be set in boldface or otherwise featured. In any radio or television media advertisement there shall only be one mention of the official's name and the name of the official shall not be emphasized by volume or otherwise. Further, elected officials are prohibited from using public funds for advertising which includes an elected official's name during the sixty (60) day period prior to a primary or general election when they are on the ballot unless such advertising is necessary in the performance of their duties and responsibilities. The County will not pay the costs for any advertising which violates this section and the Auditor/Controller shall not process payment for any such advertising.

ADOPTED ORDINANCE 3865 (2002)